

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SAIGON IMMEDIATE

AMEMBASSY WARSAW

AMEMBASSY BANGKOK IMMEDIATE

INFO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L STATE 081083

E.O. 11652: GDS

TAGS: PINS, MARR, VS, PL, SREF

SUBJECT: MICHAL HOLUB

REFS: A) STATE 080095; B) WARSAW 02181

1. DEPARTMENT AGREES WITH RECOMMENDATION PARA 9, REFTEL B.

THAT POLES SHOULD BE GIVEN AN OPPORTUNITY TO INTERVIEW
HOLUB. IF HOLUB'S MENTAL STATE APPEARS GOOD ENOUGH FOR
RATIONAL DECISION MAKING AND HE CONCURS, EMBASSY SHOULD
URGE GVN TO ARRANGE A MEETING WITH POLES. DEPARTMENT
CONSIDERS IT VITAL THAT UNHCR OFFICIAL BE PRESENT AT
ANY MEETING BETWEEN HOLUB AND POLES, AS SHOULD BE A
PHYSICIAN. EMBASSY SHOULD HAVE OBSERVER PRESENT UNLESS
EMBASSY BELIEVES THIS WOULD DETRACT FROM USG POSITION
THAT GVN AUTHORITIES HAVE JURISDICTION. THE FOLLOWING
ARE CONFRONTATION PROCEDURES USED IN U.S.

2. DEFECTION CASES: IF DEFECTOR HAS ASKED FOR ASYLUM AND
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POLISH OFFICIALS ARE ATTEMPTING TO OBTAIN ACCESS TO HIM,

A MEETING IS ARRANGED ONLY IF THE DEFECTOR AGREES AND PHYSICAL CONDITION PERMITS. TO ELIMINATE ANY POSSIBILITY OF COERCION, THE POLISH PRESENCE WOULD BE LIMITED TO ONE OR TWO POLISH OFFICIALS. THE POLISH OFFICIALS ARE PERMITTED TO INTERVIEW THE DEFECTOR IN THE PRESENCE OF IMMIGRATION AND STATE DEPARTMENT OFFICIALS. THIS PROCEDURE WAS LAST USED ON APRIL 17 IN THE CASE OF POLISH EMBASSY DEFECTOR GLAZOWSKI. POLES APPARENTLY WERE SATISFIED WITH

THE CONDUCT OF THIS MEETING.

3. RE-DEFECTION CASES. HERE, THE DEFECTOR HAS EXPRESSED A DESIRE TO RETURN TO HIS COUNTRY OF NATIONALITY. THE PURPOSE OF THE PROCEDURE IS TO ENSURE THAT HE IS RETURNING VOLUNTARILY AND HE KNOWS THAT HE HAS THE OPTION OF REMAINING IN HIS COUNTRY OF ASYLUM. THE IMMIGRATION SERVICE ARRANGES A MEETING WITH A PHYSICIAN AND A STATE DEPARTMENT OFFICIAL PRESENT. ONE POLISH OFFICIAL IS ALLOWED TO OBSERVE BUT NOT TO PARTICIPATE EXCEPT TO PROTECT THE RIGHTS OF THE RE-DEFECTOR (UNDER THE CONSULAR CONVENTION). A SIGNED STATEMENT IS OBTAINED FROM THE RE-DEFECTOR THAT HE DEFECTED VOLUNTARILY AND THAT HE IS RETURNING VOLUNTARILY TO HIS COUNTRY OF NATIONALITY.

4. FOR WARSAW: SHOULD OPPORTUNITY ARISE TO DISCUSS HOLUB CASE BEFORE CONFRONTATION, EMBASSY MIGHT WISH TO POINT OUT THAT THERE IS SIGNIFICANT PUBLIC INTEREST IN CASE BECAUSE OF MEDIA COVERAGE. WE DO NOT SEE HOW IT WOULD SERVE THE DEVELOPMENT OF IMPROVED RELATIONS TO HAVE CASE AROUSE GREAT EXCITEMENT (SUCH AS KUDIRKA, SOVIET SEAMAN FORCIBLY RETURNED IN 1970) ESPECIALLY IN LIGHT OF CONGRESSIONAL CONSIDERATION OF EXIM AUTHORIZATION AND TRADE REFORM LEGISLATION. USG HAS ACTED IN ACCORDANCE WITH ACCEPTED RULES OF INTERNATIONAL BEHAVIOR IN TURNING HOLUB OVER TO GVN AS ASYLUM IS RIGHT AND RESPONSIBILITY OF GOVERNMENT IN WHOSE TERRITORY THE REQUEST IS MADE. PRIMARY USG CONCERN NOW MUST BE HOLUB'S WISHES PROVIDING HIS MENTAL STATE IS GOOD ENOUGH FOR RATIONAL DECISION MAKING. WE WISH TO HAVE CASE HANDLED AS QUIETLY AS POSSIBLE BUT WITH PRIMARY CONCERN FOR HUMAN RIGHTS OF INDIVIDUAL. RUSH

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